IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI

THE ACTING CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No. 9432 of 2005

Between:

Mrs. Vysyaraju Hemalatha, W/o. Mutyalaraju
Yennuramayyapeta (V), Kotturu (M), Srikakulam District.

..... PETITIONER

AND

1. The General Manager, The District Industries Centre, Srikakulam.
2. The Environmental Engineer, A.P. Pollution Control BOard, Vizianagaram.
3. The District Medical and Health Officer, Srikakulam.
4. The Revenue Divisional Officer, Palakonda, Srikakulam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records and issue an appropriate Writ, direction or order more particularly one in the nature of Writ of Mandamus declaring that the action of the 1st Respondent in issuing the impugned order in Proc.No. 1891/A3/2004 dated 25-3-2005 cancelling the NOC Acknowledgement No. 2236/A3/2004 dated 20.12.2004 as arbitrary, illegal, capricious, unjust and violative of Articles 14, 21, 19(G) of the Constitution of India and also principles of natural justice and set aside the same in the interests of justice and pass such other order/s as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: Mr.P.A.SESHU

Counsel for Respondent No.1: GP FOR INDUSTRIES & COMMERCE

Counsel for Respondent No.2: Mr. S.V. Bhatt

Counsel for Respondent No.3:G.P. for Medical & Health.

Counsel for Respondent No.4: G.P. for Revenue

The Court made the following :

ORAL ORDER:

(per Honourable Sri Bilal Nazki, the Acting Chief Justice)

The order dated 25-3-2005 passed by the General Manager, District Industries Centre, Srikakulam, withdrawing the No Objection Certificate issued in favour of the writ petitioner for establishment of a Rice Mill is challenged on various grounds. Since the Pollution Control Board has already issued a show cause notice to the writ petitioner, even if she succeeds in this writ petition, she will have to face the order of the Pollution Control Board.

In these circumstances, we dispose of the writ petition giving liberty to the petitioner to file explanation to the show cause notice before the Regional Officer of the Pollution Control Board. If the petitioner succeeds before the Pollution Control Board and still feels aggrieved of the order dated 25-3-2005 passed by the General Manager, District Industries Centre, she is at liberty to approach this Court again.

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BILAL NAZKI, ACJ

5.7.2005.

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G.CHANDRAIAH, J.

ARS.

To

1. The General Manager, The District Industries Centre, Srikakulam.
2. The Environmental Engineer, A.P. Pollution Control Board, Vizianagaram.
3. The District Medical and Health Officer, Srikakulam.
4. The Revenue Divisional Officer, Palakonda, Srikakulam District.

5. Two CCs to Government Pleader for Industries and Commerce,

High Court Buildings, Hyderabad (OUT).

6. Two CCs to Government Pleader for Medical & Health, High Court Buildings, Hyderabad (OUT).

7. Two CCs to Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT).

8. Two CD copies.